

commission for a unit for some or all of the requirements of this chapter, except s. 364.16, s. 364.336(3), or s. 364.337(6). The commission may grant such petition if determined to be in the public interest. In no event shall interstate interchange telecommunications companies be subject to the requirements of ss. 364.03, 364.036, 364.037, 364.06, 364.066, 364.14, 364.17, 364.18, 364.18(1), and 364.339.

(5) The commission shall have continuing regulatory oversight over the provision of basic local exchange telecommunications services provided by a certificated alternative local exchange telecommunications company or a certificated alternative access vendor for purposes of establishing reasonable service quality criteria, ensuring resolution of service complaints, and ensuring the fair treatment of all telecommunications providers in the telecommunications marketplace.

(1) When the commission grants a certificate to a telecommunications company to provide interstate interchange telecommunications services, the commission, if it finds that such action is consistent with the public interest, may:

- (a) Prescribe different requirements for the company that are otherwise prohibited for telecommunications companies; or
- (b) Require the company from some or all of the requirements of this chapter and s. 360.113.
- (2) In determining whether the actions authorized by subsection (1) are consistent with the public interest, the commission shall consider:
 - (a) The number of firms providing the services;
 - (b) The geographic availability of the services from other firms;
 - (c) The quality of service available from alternative suppliers;
 - (d) The effect on telecommunications service rates charged to customers of other companies; and
 - (e) Any other factors that the commission considers relevant to the public interest.

(6)(a) The Legislature If the commission finds the provision of alternative access vendor services to be in the public interest, and the commission is may authorize the provision of such services. For the purposes of this section, effective January 1, 1998, "alternative access vendor services" means the provision of private line service between an entity and the facilities at another location, whether owned by the entity or an unaffiliated entity or dedicated access service between an end-user and an interexchange carrier by other than a local exchange telecommunications company, and are considered to be interexchange telecommunications services. For purposes of this chapter, "private line service" means any dedicated point-to-point or point-to-multipoint service for the transmission of any public telecommunications services.

(b) No person shall provide alternative access vendor services without first obtaining a certificate from the commission. Any certificated alternative access vendor as of the date this act becomes a law wishing to provide alternative local exchange telecommunications services in addition to the services authorized in its certificate may do so, effective January 1, 1998, upon furnishing written notice to the commission.

(7)(a) Each amount paid by an interexchange telecommunications company or a pay telephone company to a telecommunications company providing local service for use of the local network shall be deducted from gross operating revenues for purposes of determining the amount of the regulatory fee assessed the interexchange telecommunications company pursuant to s. 360.113 or s. 364.336.

Section 24. Paragraph (e) is added to subsection (3) of section 364.3376, Florida Statutes, to read:

364.3376 Pay telephone service providers.—

(2) Each pay telephone station shall:

(a) Be eligible to subscribe to flat-rate, single-line business local exchange service.

Section 25. Section 364.502, Florida Statutes, is created to read:

364.502 Video programming: capacity for public use.—

(1) Each local exchange telecommunications company or alternative local exchange telecommunications company which provides video programming shall, prior to providing such programming, file with the commission a designation of reserve capacity for public, educational, or governmental use. The commission shall review the filed designation to determine whether such designation ensures that public education and public information programming are adequately available to the customers of such telecommunications company. The commission shall consider the following factors in determining whether the filed designation complies with the requirements of this chapter:

- (a) Reservation and designation requirements provided by federal law, if any.
- (b) The level of demand for such programming in a given service area.
- (c) The barriers to providing such programming in the service area.
- (d) The cost and availability of such programming in the service area.
- (e) Other factors which the commission deems appropriate.

(2) Capacity pursuant to this subsection shall not be sold, leased, or otherwise transferred for money or other thing of value. The quality of capacity reserved pursuant to this subsection shall be equivalent to the best quality of available capacity of the local exchange telecommunications company which provides video programming in all respects.

Section 26. Section 364.3381, Florida Statutes, is amended to read:

364.3381 Cross-subsidization.—

(1) The price of a non-basic competitive telecommunications service provided by a local exchange telecommunications company shall not be below its cost by use of subsidization from rates paid by customers of basic monopoly services subject to the jurisdiction of the commission.

(2) A local exchange telecommunications company which offers both basic and non-basic monopoly and competitive telecommunications services shall establish rates for such services that separate the interstate-intrastate and expense-to-separate-with-allocation methodologies as permitted by the commission to ensure

sure that non-basic competitive telecommunications services are not subsidized by basic monopoly telecommunications services. The cost standard for determining basic subsidization is whether the total revenue from a non-basic service is less than the total long-run incremental cost of the service. Total long-run incremental cost means service-specific volume and non-volume sensitive costs.

(3) The commission shall have continuing oversight jurisdiction over cross-subsidization, predatory pricing, or other similar anti-competitive behavior and may investigate upon complaint or on its own motion, allegations of such practices. Except where doing so affects the benefits accruing to ratepayers by virtue of such sharing, the commission shall ensure that no expenses associated with the allocation of costs between regulated and unregulated services or activities of any kind, or of existing or otherwise supervising these allocations, are included in the regulated rates or charges of a telecommunications company.

Section 27. Section 364.339, Florida Statute, is amended to read:

364.339 Shared tenant service; regulation by commission; participation; limitation as to designated carriers. —

(1) The commission shall have exclusive jurisdiction to authorize the provision of any shared tenant service which:

- (a) Duplicates or competes with local service provided by an existing local exchange telecommunications company; and
- (b) Effective January 1, 1996, is furnished through a common switching or billing arrangement to co-located tenants within a single building by an entity other than an existing local exchange telecommunications company.

(2) No person shall provide shared tenant service without first obtaining from the commission a certificate of public convenience and necessity to provide such service. The commission shall grant certificates to telecommunications companies upon showing that the applicants have sufficient technical, financial, and managerial capabilities to provide shared tenant services. The commission may require such services to be offered and priced differently to residential and commercial tenants if deemed to be in the public interest.

(3)(a) Shared tenant services provided to government entities pursuant to this section are exempt from paragraph (1)(b), and the commission may exempt such entities from any certification requirements imposed by this chapter.

(b) As provided in subsection (3), the commission may authorize such services notwithstanding the provisions of s. 364.335. The commission may prescribe the type, extent, and conditions under which such service may be provided and may exempt such service, except appropriate certification, from commission regulation.

(4)(a) In determining whether the actions authorized by subsections subsection (1) and (2) are consistent with the public interest, the commission shall consider the following:

- (a) The number of firms providing the service.
- (b) The availability of the service from other firms or the local exchange telecommunications company.
- (c) The quality of service available from alternative suppliers.

(4) The effect on telecommunications service rates charged to customers of the local telecommunications company.

(a) The geographic extent of the service to be provided.

(f) Any other factors which the commission deems relevant.

(5)(4) The offering of shared tenant service shall not interfere with or preclude a commercial tenant's right to obtain direct access to the lines and services of the serving local exchange telecommunications company or the right of the serving local exchange telecommunications company to serve the commercial tenant directly under the terms and conditions of the commission-approved tariffs.

Section 28. Section 364.385, Florida Statute, is amended to read:

364.385 Saving clauses. —

(1) This act does not invalidate any certificate or cause to be unlawful any rate which has been previously approved and which is lawfully being charged and collected immediately prior to July 1, 1995. However, such rate may not be changed, and a certificate may not be modified, suspended, or revoked, on or after July 1, 1995. October 1, 1996, except in accordance with the provisions of this act.

(2) All applications for extended area service, routes, or extended collocation service, pending before the commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995. Upon the approval of the application, the extended area service, routes, or extended collocation service shall be considered basic service and shall be regulated as provided in s. 364.061 for a company that has elected public regulation. Proceedings including judicial review pending on July 1, 1995. October 1, 1996, shall be governed by the law as it existed prior to the date on which this section becomes a law October 1, 1996. No new proceedings governed by the law as it existed prior to July 1, 1995, shall be initiated after July 1, 1995. Any administrative adjudicatory proceeding which has not progressed to the stage of a hearing by July 1, 1995, may, with the consent of all parties and the commission, be conducted in accordance with the law as it existed prior to January 1, 1995, provisions of this act.

(3) Florida Public Service Commission Order No. PSC 94-0172-POL-71 shall remain in effect, and BellSouth Telecommunications, Inc., shall fully comply with that order unless modified by the Florida Public Service Commission pursuant to the terms of that order. The order may not be modified to extend beyond December 31, 1997, except that the Florida Public Service Commission shall retain jurisdiction and all parties shall retain their rights under the agreement after December 31, 1997, solely for the purpose of effectuating the provisions of the order applicable to the periods prior to January 1, 1998. The decision, rates approved by the Florida Public Service Commission and in effect as of December 31, 1994, shall be used to calculate the revenues available for sharing for periods prior to January 1, 1998.

Section 29. Section 364.386, Florida Statute, is amended to read:

(Substantive rewording of section. See s. 364.386, F.S. for current text.)

364.386 Reports to the Legislature. —

(1) The commission shall submit to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and House of Representatives, on December 1, 1988, and on an annual basis thereafter, a report on the status of competition in the telecommunications industry and a detailed exposition of the following:

- (a) The overall impact of local exchange telecommunications competition on the continued availability of universal service.
- (b) The ability of competitive providers to make functionally equivalent local exchange services available to both residential and business customers at competitive rates, terms, and conditions.
- (c) The ability of consumers to obtain functionally equivalent services at comparable rates, terms, and conditions.
- (d) The overall impact of price regulation on the maintenance of reasonably affordable and reliable high-quality telecommunications services.
- (e) What additional services, if any, should be included in the definition of basic local telecommunications services, taking into account advances in technology and market demand.
- (f) Any other information and recommendations which may be in the public interest.
- (2) The Office of Public Counsel is also directed to submit a report on competition in the telecommunications industry and on how the price regulation provisions of a 364.051 have benefited the rate payers and consumers of this state and any other information and recommendations which may be in the public interest.

Section 30. Section 364.603, Florida Statutes, is created to read:

364.603 Merger or acquisition.—

(1) Before any local exchange telecommunications company merges with or acquires an ownership interest of greater than five percent in a cable television company in the certificated local exchange in which the local exchange telecommunications company provides basic local telecommunications services within this state, the local exchange telecommunications company shall give the Florida Public Service Commission and the Department of Legal Affairs of the Attorney General sixty days notice of the proposed closing of the merger or acquisition.

(2) Before any cable television company providing cable service as defined in 47 U.S.C. 522 merges with or acquires an ownership interest of greater than five percent in a local exchange telecommunications company in an area serviced by the cable television company within this state, the cable television company shall give the Florida Public Service Commission and the Department of Legal Affairs of the Office of the Attorney General sixty days notice of the proposed closing of the merger or acquisition.

Section 31. Part II of chapter 364, Florida Statutes, consisting of sections 364.606, 364.607, 364.608, 364.609, 364.610, 364.611, 364.612, 364.613, 364.614, and 364.615, is created to read:

364.606 Short title.—This part may be cited as the "Education Facilities Infrastructure Improvement Act."

364.607 Legislative intent.—

(1) The Legislature finds that it is in the interest of the state to ensure its citizens access to advanced telecommunications services since such access will complement the provision of educational and health care services, thus enhancing the health, safety, and welfare of Floridians. The Legislature further finds that the network should be available to residents of rural, suburban, and urban areas so that all citizens may benefit.

(2) It is the intent of the Legislature that all local exchange telecommunications companies, including those with less than 100,000 access lines in services which do not elect to be regulated under price regulation pursuant to s. 364.051, should be required to provide advanced telecommunications services to eligible facilities in the absence of a competitive bid to provide such services pursuant to s. 364.510(3). This obligation arises from the privileges granted such local exchange telecommunications companies under part I of this chapter.

(3) It is the intent of the Legislature to encourage competition among providers of telecommunications services to provide advanced telecommunications services, so such competition will accelerate the deployment of advanced telecommunications services for the improvement of public education and public health services in the state.

(4) It is the intent of the Legislature to encourage joint ventures between telecommunications companies, cable companies, and other providers where such joint ventures accelerate, improve, or otherwise assist eligible facilities in receiving advanced telecommunications services.

364.608 Definitions.—As used in this part:

(1) "Commission" means the Public Service Commission.

(2) "Network" means the Florida Distance Learning Network.

(3) "Telecommunications company" means any entity certified under this chapter to provide telecommunications service.

(4) "Cable company" means a cable television company providing cable service as defined in 47 U.S.C. s. 522.

(5) "Advanced telecommunications services" are defined as network-based or wireless services that provide additional communications capabilities enabling the use of applications such as distance learning, video conferencing, data communications, and access to internet.

(6) "Plan" means the Education Facilities Infrastructure Improvement Plan, a document that includes a needs assessment report and identifies telecommunications companies, cable companies, and other providers' present and projected deployment of technologies necessary for delivery of advanced telecommunications services to eligible facilities who request such services.

(7) "Eligible facilities" means all approved campuses and instructional centers of all public universities, public community colleges, area technical centers, public elementary schools, middle schools, and high schools, including school administrative offices, public libraries, teaching hospitals, the research institute described in s. 240.512, and rural public hospitals as defined in s. 306.012. If no rural public hospital exists in a community, the public health clinic which is responsible for indi-

vehicle before they can be transferred to a regional hospital shall be considered eligible.

364.509 The Florida Distance Learning Network; creation; membership; organization; meetings.—

(1) It is the intent of the Legislature to establish a coordinated system for cost-efficient, advanced telecommunications services and distance education to:

- (a) Increase student access to education.
 - (b) Maximize the use of advanced telecommunications services and their application to provide affordable distance education.
 - (c) Promote interagency cooperation and promote partnerships.
 - (d) Secure any available federal or private funds and other resources in support of advanced telecommunications services and distance education.
 - (e) Coordinate all advanced telecommunications services and distance education resources to maximize return on investment with the goal of creating a financially independent, self-supporting, statewide resource for advanced telecommunications services and distance education.
- (2) The Florida Distance Learning Network is hereby created for all the purposes created by the provisions of this chapter or laws amendatory thereof.
- (3) The Florida Distance Learning Network is established with the necessary powers to exercise responsibility for statewide leadership in coordinating, enhancing, and serving as a resource center for advanced telecommunications services and distance learning in all public education delivery systems. The Florida Distance Learning Network shall be governed by a board of directors which shall consist of the following members:
- (a) The Commissioner of Education or the commissioner's designee.
 - (b) The Chancellor of the State University System or the chancellor's designee.
 - (c) The executive director of the State Community College System or the executive director's designee.
 - (d) The Secretary of Management Services or the secretary's designee, who shall represent the interests of all state agencies.
 - (e) The President of the Independent Colleges and Universities of Florida or the President's designee.
 - (f) The Public Counsel or his designee.
 - (g) A member of the Senate and a representative of the International Brotherhood of Electrical Workers who shall be appointed by the President of the Senate and serve at the pleasure of the President.
 - (h) A member of the House of Representatives and a representative of the Communications Workers of America who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.
 - (i) Four members of the private sector representing the cable telecommunications industry, the local exchange telecommunications industry, and the interexchange industry, two of whom shall be appointed by the Florida Cable Telecommu-

nications Association and two of whom shall be appointed by the Florida Telephone Association.

(j) Two members from the health care community to be appointed by the Governor, one member from a teaching hospital and the other member from a rural hospital.

(k) The State Librarian or his designee.

(4)(a) The Commissioner of Education or the commissioner's designee shall serve as the initial chairperson of the board of directors to serve a term of 4 years. Thereafter, the board of directors shall biennially elect the chairperson from its membership. The board of directors shall designate a secretary-treasurer, who need not be a member of the board of directors. The secretary-treasurer shall keep a record of the proceedings of the board of directors and shall be the custodian of all books, documents, and papers filed with the board of directors, and the minutes of the board of directors.

(b) The board of directors shall meet within 30 days after the effective date of this act and shall continue to meet at least 4 times each year, upon the call of the chairperson, or at the request of a majority of the membership. The board of directors shall take official action only by consensus.

(c) Members of the board of directors shall serve without compensation, but may be reimbursed for per diem and travel expenses.

364.510 Duties of the Board of Directors of The Florida Distance Learning Network.—The duties of the Board of Directors of The Florida Distance Learning Network include, but are not limited to:

- (1) Creating and facilitating the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.
- (2) Coordinating the use of existing resources, including, but not limited to, the state's satellite transponder on Telesat 401 (the education satellite), the Sunstar Network, the SUNCOM Network, the Florida Information Resource Network (FIRN), Department of Management Services, Department of Corrections and the Department of Health and Rehabilitative Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.
- (3) Promoting interagency activities that will provide increased access to advanced telecommunications services and to distance education.
- (4) Assisting in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as may be needed.
- (5) Seeking the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.
- (6) Seeking the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.

(7) Brokerage and coordinating partnerships for development, acquisition, use, and distribution of distance learning.

(8) By January 1, 1996, the Board of Directors shall assemble appropriate resources from its own technical staff to develop a needs assessment report which shall be included in the plan describing the overall advanced telecommunications services needs of education, libraries, and teaching and rural hospitals. The needs assessment report shall take into consideration any needs assessment recently conducted by any state agency or eligible facility. Such needs assessment report shall also consider interoperability of different technologies needed for delivery of advanced telecommunications services.

(9) Developing and maintaining a plan for using technology to improve the delivery of and access to education. The plan shall be developed by March 1, 1996, and be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan shall describe what advanced telecommunications services shall be delivered, address the needs of all educational and health care delivery systems, and shall include the following:

(a) A component on advanced telecommunications services and on distance learning in which education and health care programs, reports of programs, and accountability data are currently delivered to individuals located in diverse settings, including, but not limited to, eligible facilities, state agencies, community facilities, businesses, and homes. This component must consider existing public and private networks and communications systems and their potential in delivering advanced telecommunications services and distance learning applications.

(b) A component on existing rules and statutes related to the use of technology, including recommendations for consolidation and any modifications necessary to provide a statewide policy framework for using technology and telecommunications to education and health care.

(c) A statewide inventory of state-owned telecommunications receiving and transmitting equipment that could be used to assist with the distance learning network.

364.511 Powers of the Board of Directors of The Florida Distance Learning Network.—

(1) In order to enable it to carry out the purposes of ss. 364.508-364.514, the Board of Directors of The Florida Distance Learning Network has the power of a body corporate and shall have the power to:

(a) Secure and administer funding for programs and activities of The Florida Distance Learning Network, from federal, state, local, and private sources and from fees derived from services and materials. The board of directors shall also have the power to solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers set forth in ss. 364.508-364.514.

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions.

(c) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(d) Adopt, use, and alter a common corporate seal.

(e) Elect or appoint such officers and agents as its affairs require and allow them reasonable compensation.

(f) Adopt, amend, and repeal bylaws, not inconsistent with ss. 364.508-364.514, for the administration of the affairs of The Florida Distance Learning Network, and the exercise of its corporate powers.

(g) In formal agreement with distance learning providers, acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein.

(h) Do all acts and things necessary or convenient to carry out the powers expressly granted in ss. 364.508-364.514.

(i) In conjunction with distance learning providers, recommend to the Legislature policy regarding distance learning program funding and the protection of intellectual property rights.

(j) Coordinate a marketing program statewide, nationally, and internationally, as deemed appropriate.

(k) The Department of Management Services shall manage the state's satellite transmitter resources and enter into lease agreements to maximize the use of available transmitter time. All revenue realized through the leasing of available transmitter time shall be recycled to support the Florida Distance Learning Network.

(l) Promote the development of multimedia courses and educational programs to be delivered through distance learning.

(m) Provide incentives for development of multimedia courses and programs to be delivered through distance learning.

(2) Under no circumstances may the credit of the state be pledged on behalf of The Florida Distance Learning Network.

(3) Nothing in ss. 364.508-364.514 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college boards of trustees, the State Board of Community Colleges, or the Board of Regents.

364.512 Board of Directors of The Florida Distance Learning Network; executive director.—The executive director of the Board of Directors of The Florida Distance Learning Network, who may also be designated as secretary-treasurer, shall be appointed by the Commissioner of Education. The executive director is the chief administrative and operational officer of the board of directors and shall direct and supervise the administrative affairs of the board of directors. The executive director:

(1) May contract with or employ legal and technical experts and such other employees, both permanent and temporary, as authorized by the board of directors.

(2) Shall attend all meetings of the board of directors.

(3) Shall cause copies to be made of all minutes and other records and documents of the board of directors and shall certify that such copies are true copies. All persons dealing with the board of directors may rely upon such certifications.

(4) Shall perform other duties as assigned by the board of directors.

364.513 Annual report of The Florida Distance Learning Network; *sua.*—

(1) Prior to December 1 of each year, The Florida Distance Learning Network, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth:

- (a) Its operations and accomplishments during the fiscal year.
- (b) Its marketing and operational plan, including recommendations on methods for implementing and funding distance learning initiatives.
- (c) Its assets and liabilities at the end of its most recent fiscal year.

(d) A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of The Florida Distance Learning Network.

364.514 Educational Technology Grant Program.—

(1) The Educational Technology Grant Program is created to support the development of and provide incentives for technologically delivered educational courses and programs.

(2)(a) The Florida Distance Learning Network shall annually award grants to school districts, area technical centers, community colleges, state universities, and independent institutions eligible to participate in state student assistance programs established in part IV of chapter 260. The board of directors of the corporation shall give priority to cooperative proposals submitted by two or more institutions or delivery systems. The proposals shall include:

1. Information which describes the educational significance of the program or service in addressing state educational priorities.
2. The target population for the program.
3. The program content to be transmitted.
4. The support services to be provided.

5. Provisions to use at least 30 percent of any funds awarded for training both faculty and student learners in the use and application of the products developed.

(b) Programs and courses developed through the grant program shall be marketed statewide and nationwide with a portion of any profits from the sale or use of such programs retained by the developing institutions or systems and a portion retained in the grant program for further program development. The distribution of any revenues retained shall be determined by formal agreement between the board of directors and the developing institution.

(c) The board of directors shall identify state educational priorities and issue a request for proposals by June 1 in every year in which funds are available for grants. The board shall ensure the quality of the programs and courses produced through the grants and produce an annual status report by March 1 describing the projects funded and accounting for any proceeds.

364.515 Infrastructure investment.—

(1) Notwithstanding ss. 364.503-364.514, advanced telecommunications services shall be provided to eligible facilities in accordance with the provisions of this section.

(2) In order to be eligible under this act, an eligible facility, or a group of eligible facilities based on geographic proximity, shall submit a technology needs request to the Division of Communications of the Department of Management Services. The division shall review the technology needs request to determine if it conforms to the standards outlined in the State Education Technology Committee's plan. If the technology needs request does not conform to the plan, then the division shall return the request to the eligible facility or group for modification. After modification of a technology needs request it can then be reauthorized by the eligible facility or a group of eligible facilities. A technology needs request shall be submitted to the division no later than July 1, 1997. Nothing in this section shall prevent the Department of Management Services from grouping eligible facilities technology requests when such grouping would result in the most efficient method to deliver advanced telecommunications services.

(3) Once a technology needs request or group request has been received and has been determined to meet the standards outlined in the plan, the Department of Management Services shall acquire advanced telecommunications services requested by an eligible facility or group of eligible facilities pursuant to chapter 287. The Department of Management Services shall establish specifications to acquire the advanced telecommunications infrastructure needed to provide advanced telecommunications services. The advanced telecommunications infrastructure used to provide such connections to the eligible facilities shall be provided at no cost in an amount not to exceed \$20,000 per eligible facility. In those instances in which a competitive bid is not received, advanced telecommunications services to be provided over this communication infrastructure shall be priced below commercially available rates for comparable service and less than the statewide average of such services.

(4) Notwithstanding the requirements in subsection (3), in geographic areas where interconnection between entities is the most efficient method of providing advanced telecommunications services, the Department of Management Services may suggest, along with the commission, such interconnection arrangements.

(5) Any entity may submit a bid or proposal in response to the solicitation for services by the Department of Management Services. The Department of Management Services shall award a bid in conformity with chapter 287, and under no circumstances shall the bidder be required to install facilities until the eligible facility is ready to utilize the services. If no bids or proposals are received in response to a solicitation issued by the Department of Management Services, the Department of Management Services shall obtain the name and address from the commission of the carrier of last resort in the territory of the eligible facility and provide that carrier of last resort with a description of the advanced telecommunications ser-

vices that must be provided. If no bids or proposals are submitted for the provision of advanced telecommunications services to an eligible facility, the telecommunications company serving as the carrier of last resort to such eligible facility shall provide the advanced telecommunications services.

(6) Advanced telecommunications services to be provided by the entity awarded the contract or, if no bid or proposal is received, the carrier of last resort, shall be provided within 6 months or at such later date as the eligible facility may specify. In the event that a technology needs request is received by July 1, 1997, but is requested not to be completed until after January 1, 1999, the Department of Management Services shall then issue a solicitation closer to the time the advanced telecommunications services are requested. The entities providing advanced telecommunications services pursuant to this chapter shall abide by the same terms and conditions as those eligible facilities requesting such services by January 1, 1999.

(7) Advanced telecommunications services provided pursuant to this part shall not be sold, resold, or otherwise transferred to an ineligible facility.

(8) Nothing in this part shall have an effect on advanced telecommunications services in operation as of the date this part is enacted.

(9) Nothing in this part shall preclude the Department of Management Services from combining an eligible facility with any grouping of qualified subscribers as defined in chapter 282, to create the most cost-effective and efficient access to network services.

364.516 Penalties.—

(1) In the event that the provision of advanced telecommunications services to a requesting eligible facility pursuant to s. 364.515(5) or (6) is not performed by the entity awarded the contract or by a carrier of last resort or within the date specified in the solicitation, except in those instances in which acts of God may have prevented the bidder from completing the contract, the eligible facility or the Department of Management Services may petition the commission for an order enforcing the requirements. The commission shall act upon such petition within 60 days and, in the event the commission finds that the entity that has been awarded the contract or the carrier of last resort has not performed as specified in this part, the commission shall order the entities to perform as required in the contract or by this part. In the event the entity fails to comply with the commission's order within 60 days, the commission shall impose a fine on the bidding company or carrier of last resort of \$25,000 per eligible facility specified in the contract. Any fines collected under this section shall be deposited in the General Revenue Fund to be allocated back to the specific requesting area where the eligible facility is located to implement advanced telecommunications services.

Section 32. By January 1, 1994, the commission shall implement a consumer information program to inform subscribers of the possibility under the law of competitive providers of local exchange telecommunications services, their rights as customers of those alternative providers, the commission's regulatory authority over the alternative providers, and any other information the commission deems appropriate. The commission may, pursuant to this program, require all companies providing local exchange telecommunications services to provide such information in the form of a bill insert.

Section 33. A local government shall treat each telecommunications company in a nondiscriminatory manner when exercising its authority to grant franchises to a telecommunications company or to otherwise establish conditions or compensation for the use of rights-of-way or other public property by a telecommunications company.

Section 34. The Department of Labor and Employment Security shall provide assistance, pursuant to any applicable state or federal program within its jurisdiction, to any individual employed in Florida by a local exchange telecommunications company on June 30, 1995, who is displaced, dislocated, severed, or retired from employment as a result of the introduction of competition under this act. This assistance shall include maintaining a database of such workers to assist the industry in recruiting a trained workforce. If so requested by the worker, in addition, the Department of Labor and Employment Security shall coordinate with the Enterprise Florida Jobs and Education Partnership, the Department of Commerce, and the Department of Education to assist new, existing, or expanding telecommunications businesses in Florida to apply for training grants under the guidelines and criteria of the Quick-Response Training Program pursuant to section 288.047, Florida Statutes.

Section 35. Effective October 1, 1995, section 817.4821, Florida Statutes, is created to read:

817.4821 Cellular telephone counterfeiting offenses.—

(1) As used in this act, the terms:

(a) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

(b) "Intercept" means to electronically capture, record, reveal, or otherwise access, the signals emitted or received during the operation of a cellular telephone without the consent of the sender or receiver thereof, by means of any instrument, device, or equipment.

(c) "Electronic serial number" means the unique numerical algorithm that is programmed into the microchip of each cellular telephone by the manufacturer and is vital to the telephone's successful operation and billing.

(d) "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone carrier.

(e) "Cellular telephone" means a communication device containing a unique electronic serial number that is programmed into its computer chip by its manufacturer and whose operation is dependent on the transmission of that electronic serial number along with a mobile identification number, which is assigned by the cellular telephone carrier, in the form of radio signals through cell sites and mobile switching stations.

(f) "Cloned cellular telephone" or "counterfeit cellular telephone" means a cellular telephone whose electronic serial number has been altered from the electronic serial number that was programmed in the phone by the manufacturer.

(g) "Cloning paraphernalia" means materials that, when possessed in combination, are necessary and capable of the creation of a cloned cellular telephone. These materials include scanners to intercept the electronic serial number and mobile

identification number, cellular telephone, cable, EPROM chips, EPROM burners, software for programming the cloned cellular telephone's microchip with a false electronic serial number and mobile identification number combination, a computer containing such software, and lists of electronic serial number and mobile identification number combinations.

(3) A person who knowingly and unlawfully possesses a cloned cellular telephone commits a felony of the third degree, punishable as provided in s. 776.082, s. 776.083, or s. 776.084.

(3) A person who knowingly and unlawfully possesses an instrument capable of impersonating electronic serial number and mobile identification number combinations under circumstances evidencing an intent to clone a cellular telephone commits a felony of the second degree, punishable as provided in s. 776.082, s. 776.083, or s. 776.084.

(4) A person who knowingly and unlawfully sells a cloned cellular telephone commits a felony of the second degree, punishable as provided in s. 776.082, s. 776.083, or s. 776.084.

(5) Nothing herein shall make unlawful the possession or use of cloning paraphernalia, a cloned cellular telephone, or any instrument by a law enforcement officer or person acting under the direction of a law enforcement officer in the course of a criminal investigation.

Section 36. Sections 364.036 and 364.338, Florida Statutes, are hereby repealed.

Section 37. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 38. This act shall take effect July 1, 1995.

Because a law without the Governor's approval June 18, 1995.

Filed in Office Secretary of State June 16, 1995.

CHAPTER 95-404

House Bill No. 69

An act relating to ad valorem taxation; amending s. 193.461, F.S.; providing that a person who fails to timely file an application for agricultural classification may petition the value adjustment board to grant such classification; providing a fee, authorizing the board or the property appraiser to grant the classification under certain conditions; amending s. 193.052, F.S., to conform; amending s. 193.076, F.S.; authorizing appraisances attached to certain mobile homes held for display by a licensed mobile home dealer or a licensed mobile home manufacturer from real property tax; amending s. 193.012, F.S.; providing that the rental of property for more than 6 months is presumed to be used for commercial purposes;

amending s. 193.061, F.S.; providing that the rental of homestead property for more than two consecutive years constitutes abandonment; amending s. 194.011, F.S.; clarifying language relating to authority of homeowners' association to object to ad valorem tax assessment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section 193.461, Florida Statutes, 1994 Supplement, is amended to read:

193.461 Agricultural lands; classification and assessment.—

(3)(a) No lands shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. The property appraiser, before so classifying such lands, may require the taxpayer or his representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 shall constitute a waiver for 1 year of the privilege herein granted for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 may file an application for the classification and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon receiving the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances related to the property appraiser or the value adjustment board to warrant granting the classification, the property appraiser or the value adjustment board may grant the classification. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted.

Section 2. Subsection (2) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located, unless otherwise required in this title. In order for land to be considered for agricultural classification under s. 193.461, an application for such classification must be filed on or before March 1 of each year with the property appraiser of the county in which such land is located, except as provided in s.



RECYCLED

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800-222-3510

ALL-STATE™ LEGAL

COMMUNICATIONS ACT OF 1934, AS AMENDED

AN ACT To provide for the regulation of interstate and foreign communication by wire or radio, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 1. [47 U.S.C. 151] PURPOSES OF ACT, CREATION OF FEDERAL COMMUNICATIONS COMMISSION.

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act.

SEC. 2. [47 U.S.C. 152] APPLICATION OF ACT.

(a) The provisions of this act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Canal Zone, or to wire or radio communication or transmission wholly within the Canal Zone. The provisions of this Act shall apply with respect to cable service, to all persons engaged within the United States in providing such service, and to the facilities of cable operators which relate to such service, as provided in title VI.

(b) Except as provided in sections 223 through 227, inclusive, and section 332, and subject to the provisions of section 301 and title VI, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any

carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (3) any carrier engaged in interstate or foreign communication solely through connection by radio, or by wire and radio, with facilities, located in an adjoining State or in Canada or Mexico (where they adjoin the State in which the carrier is doing business), of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (4) any carrier to which clause (2) or clause (3) would be applicable except for furnishing interstate mobile radio communication service or radio communication service to mobile stations on land vehicles in Canada or Mexico; except that sections 201 through 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clauses (2), (3), and (4).

SEC. 3. [47 U.S.C. 153] DEFINITIONS.

For the purposes of this Act, unless the context otherwise requires—

(1) **AFFILIATE.**—The term “affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.

(2) **AMATEUR STATION.**—The term “amateur station” means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(3) **AT&T CONSENT DECREE.**—The term “AT&T Consent Decree” means the order entered August 24, 1982, in the anti-trust action styled United States v. Western Electric, Civil Action No. 82-0192, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after August 24, 1982.

(4) **BELL OPERATING COMPANY.**—The term “Bell operating company”—

(A) means any of the following companies: Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, U S West Communications Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, The Ohio Bell



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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Implementation of Local Competition)
Provisions in the Telecommunications)
Act of 1996)

AFFIDAVIT OF WALTER G. D'HAESELEER

STATE OF FLORIDA
COUNTY OF LEON

Walter G. D'Haeseleer be duly sworn according to law, state as follows:

1. My name is Walter G. D'Haeseleer. I am the Director of the Communications Division of the Florida Public Service Commission. As the Director, I am responsible for providing information and making recommendation to the Commissioners on matters concerning telecommunications. I have been the Director of the Division since May 1981 and have been involved in all facets of telecommunications during that span.
2. The FPSC has serious concerns with the use of a proxy rate for loops because of the impact and its arbitrariness. It sends the wrong economic signals to the marketplace. The use of a \$13.6% rate for Florida is simply wrong. This contention is supported by facts. After an evidentiary hearing, the FPSC determined a \$20.00 loop rate for GTE Florida based on a TSLRIC estimate. Since this rate is not based on the TELRIC concept, an interim proxy rate of 13.68 for Florida must be used. It is the FPSC's position as explained in the Stay, that in the end, the results from the use of TELRIC will be greater than TSLRIC. Therefore, the wrong pricing signal will be sent.
3. It is strange the FCC would advocate geographic deaveraging since the cornerstone of all previous FCC rule making is based on an averaging concept. I would argue the proxy loop rate was developed using an averaging concept. If the intent of Federal legislation is to encourage robust competition in all areas of the country, then it stands to reason

an averaged rate would tend to meet this objective, since deaveraging would in some cases result in higher rates based on costs.

4. The FPSC is very concerned about sending economic signals based on some flawed rationale having little relationship to cost. The Florida Commission is supportive of competition, but at the same time, entrants into the market must have some reasonable expectation of success. Otherwise, the consumer will not derive the benefits of competition. Correct price signals must be sent so that entrants do have the expectations of some success. To do otherwise would only enforce the status quo.



Walter G. D'Haeseleer, Director
Division of Communications
Florida Public Service Commission

Subscribed and sworn to before me this 17th day of September, 1996.


Signature of Notary



JANET MARIE BRUNSON
MY COMMISSION # CC274888 EXPIRES
April 7, 1997
BONDED THRU TROY FARM INSURANCE, INC.



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Implementation of Local Competition) CC Docket No. 96-98
Provisions in the Telecommunications)
Act of 1996)

AFFADAVIT OF RICHARD N. TUDOR

State of Florida)
)
County of Leon)

Richard N. Tudor, being duly sworn according to law, states as follows:

1. My name is Richard N. Tudor and I am Assistant Director of Communications for the Florida Public Service Commission. I have been involved with telecommunications policy analysis for the Florida Public Service Commission since 1971. As Assistant Director of Communications, I am responsible for making policy recommendations to the Florida Public Service Commission on matters regarding telecommunications.

2. It is my belief that the beginning steps leading to competition in the local exchange telecommunications market have been implemented in Florida, pursuant to Chapter 95-403, Laws of Florida. The first local service competitor filed for authority June 30, 1995. Twelve alternative local exchange companies were authorized to operate in Florida effective January 1, 1996. As of September 12, 1996, thirty-eight providers are authorized to provide competitive basic local exchange telecommunications services. Providers and their respective certification dates are detailed in Attachment A.

3. As of August 6, 1996, one or more of the four largest local exchange companies, representing over 98% of Florida's access lines, have interconnection agreements with fourteen alternative local exchange companies. These agreements represent an explicit movement toward achieving competition in the local exchange market. Details of these agreements are contained in Attachment B.

4. Based on recent responses to a data request, five alternative local exchange companies indicate they are already providing local telecommunications service in Florida. Attachment C is the relevant portion of the responses from these five companies.

5. While there is not yet sufficient market penetration to say that strong competition exists yet in Florida, with the certification of alternative local exchange companies and the development of interconnection agreements, substantial numbers of customers should begin having a choice in providers in the near term.

Richard N. Tudor

Richard N. Tudor
Assistant Director of Communications
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(904) 413-6516

Subscribed and sworn to before me this 16th day of September, 1996.

Witnessed:

Janet M. Brunson
Notary Public



JANET MARIE BRUNSON
MY COMMISSION # CC27488 EXPIRES
April 7, 1997
BONDED THRU TROY PAW INSURANCE, INC.

Alternative Local Exchange Telephone Utilities

As of 09/12/1996

<u>Company Name</u>	<u>Company Code</u>	<u>Regulation Date</u>	<u>Inactive Date</u>	<u>Certificates</u>	<u>County</u>
Interprise America, Inc. (U S WEST Interprise America, Inc	TX020	05/29/1996		4429	
AT&T (AT&T Communications of the Southern States, Inc. d/b	TX025	02/15/1996		4037	
AlterNet (Continental Fiber Technologies, Inc. d/b/a)	TX007	01/01/1996		2973	
Arrow Communications, Inc.	TX033	07/20/1996		4468	
BellSouth Telecommunications, Inc.	TX031	06/14/1996		4455	
Cable & Wireless, Inc.	TX022	06/20/1996		4433	
City of Lakeland	TX010	01/01/1996		3572	
Continental Florida Telecommunications, Inc.	TX014	03/20/1996		4404	
Data and Electronic Services, Inc.	TX011	01/01/1996		4096	
Dial & Save of Florida, Inc.	TX039	08/29/1996		4699	
Digital Media Partners	TX005	01/01/1996		3135	
Excel Telecommunications, Inc.	TX037	08/29/1996		4695	
Florida Public Telecommunications Association, Inc.	TX029	06/14/1996		4449	
Florida Telecommunications Services, Inc.	TX024	02/08/1996		3172	
Global Tel*Link Corporation	TX030	06/14/1996		4451	
Intermedia Communications of Florida, Inc.	TX008	01/01/1996		2939	
Interprise-Continental Fiber Technologies Alternet Data Co	TX012	01/01/1996		4041	
Intetech, L.C.	TX027	06/14/1996		4446	
LCI International Telecom Corp.	TX026	05/29/1996		4440	
LDDS Worldcom (Worldcom, Inc. d/b/a)	TX019	01/18/1996		4040	
MCI Metro Access Transmission Services, Inc.	TX001	01/01/1996		2986	
MCI Telecommunications Corporation	TX016	01/01/1996		3996	
Metropolitan Fiber Systems of Florida, Inc.	TX003	01/01/1996		3151	
NationalTel (National Telecommunications of Florida, Inc.	TX028	06/14/1996		4447	
Orlando Business Telephone Systems, Inc.	TX038	08/29/1996		4698	
Payphone Consultants, Inc.	TX004	01/06/1996		4099	
Preferred Carrier Services, Inc.	TX035	08/07/1996		4682	
Sprint Metropolitan Networks, Inc.	TX013	01/19/1996		4390	
Strategic Technologies, Inc.	TX021	06/29/1996		4431	
T-Netix, Inc.	TX032	06/25/1996		4464	

Alternative Local Exchange Telephone Utilities (continued)

As of 09/12/1996

<u>Company Name</u>	<u>Company Code</u>	<u>Regulation Date</u>	<u>Inactive Date</u>	<u>Certificates</u>	<u>County</u>
TCG South Florida	TX002	01/01/1996		3519	
Teleco Communications, Ltd.	TX017	05/10/1996		4426	
Telecommunications Service Center, Inc.	TX015	03/13/1996		4406	
Telenet of South Florida, Inc.	TX018	05/09/1996		4424	
Telephone Company of Central Florida, Inc.	TX023	06/20/1996		4434	
The Phone Company (Tel-Save, Inc. d/b/a)	TX036	08/29/1996		4792	
Time Warner Communications (Time Warner Axs of Florida, L.	TX006	01/01/1996		3167	
WinStar Wireless of Florida, Inc.	TX009	01/01/1996		4025	

August 6, 1996

FLORIDA INTERCONNECTION ARRANGEMENTS

CERTIFICATED ALEC NAME :	BellSouth	GTEFL	United	Centel
1 AT&T of the Southern States d/b/a AT&T				
2 Arrow Communications, Inc.				
3 BellSouth Telecom, Inc.				
4 Cable & Wireless, Inc.				
5 City of Lakeland				
6 Continental Fiber Tech. d/b/a Alternet	D		C	C
7 Continental FL Telecommunications, Inc.	D		C	C
8 Data and Electronic Services, Inc.				
9 Digital Media Partners	H/D		C	
10 Florida Public Telecommunications Assoc. of FL				
11 Florida Telecommunications Services, Inc.				
2 Global Tel*link Corp.				
13 Intermedia Comm. of Florida, Inc.	I/D	E	F	F
4 Interprise-Continental Fiber Tech. Alternet Data Comm.				
5 Intertech, L.C.				
16 LCI International Telecomm. Corp.				
7 LDDS Communications, Inc.				
8 MCI Metro Access Transmission Services, Inc.	G/A			
19 MCI Telecommunications Corp.				
0 Metropolitan Fiber Sys. of Florida, Inc.	A	B	C	C
21 National Telecom. of Florida d/b/a National Tel				
22 Payphone Consultants, Inc.	J			
3 Sprint Metropolitan Networks, Inc.	D		F	F
24 T-Netix, Inc.				
5 Strategic Technologies, Inc.				
6 Teleport (TCG) South Florida	L/D			
27 Teleco Communications, Ltd.				
8 Telecommunications Service Center, Inc.				
9 Telenet of South FL Inc.				
30 Telephone Co. of Central FL	K			
1 Time Warner AxS of Florida L.P.	H/D		C	C
2 US West Interprise, Inc. d/b/a Interprise America, Inc.				
33 WinStar Wireless of Florida, Inc.				

The letters represent where an ALEC has an agreement with a LEC. Key to Chart is on the following pages. Where two letters appear, the one on the left is the most recent and one in effect unless noted in the Key.

August 6, 1996

FLORIDA INTERCONNECTION ARRANGEMENTS

	UNCERTIFICATED ALEC NAME :	BellSouth	GTEFL	United	Centel
1	American MetroComm	M			
2	Hart Communications	N			
3	TriComm	O			

The letters represent where an ALEC has an agreement with a LEC. Key to Chart is on the following pages.
Where two letters appear, the one on the left is the most recent and one in effect unless noted in the Key.

Key to Chart

Arrangements Set by the Commission

A	BellSouth - MCImetro and MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale	\$17.00 - 2-wire voice grade analog loop (interim) \$ 2.00 - 2-wire analog port (interim)
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

B	GTEFL - MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale *	\$ 20.00 - 2-W voice grade analog loop \$ 25.00 - 4-W voice grade analog loop \$ 20.00 - 2-W ISDN digital loop \$250.00 - 4-W DS-1 digital loop, (interim) First System \$154.00 - Add'l System (interim) \$ 6.00 - 2-W & 4-W analog line ports \$ 20.00 - 2-W ISDN digital line port \$ 6.00 - 2-W analog DID trunk port, plus tariffed DID charges \$ 60.00 - 4-W DS-1 digital DID trunk port, plus tariffed DID charges \$350.00 - 4-W ISDN DS-1 digital port
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

* Subject to Reconsideration

C	United/Centel - Time Warner, Continental, & MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale *	\$15.00 - 2-wire voice grade analog loop (interim) \$ 7.00 - 2-wire analog port (interim)
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

* Subject to Reconsideration

August 6, 1996

I. Agreements Negotiated with Certificated ALECs;
Approved by the Commission

D	* BellSouth - FCTA, Time Warner, Intermedia, Teleport, Sprint Metro, & Continental
Interconnection	\$0.1052/minute, w/105% cap
Unbundling/Resale	\$21.15 - 2-wire voice grade analog loop
Temporary Number Portability	\$1.25 res., \$1.50 bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

Approved under state law.

E	** GTEFL - Intermedia
Interconnection	\$0.11136/minute, w/105% cap
Unbundling/Resale	\$23.00 - 2-wire voice grade analog loop
Temporary Number Portability	\$1.25 res. or bus. - \$.50 per additional path and \$5.00 per order nonrecurring charge

Approved under Federal Act.

August 6, 1996

III. Agreements Negotiated with Certificated ALECs; Pending Approval Under Federal Act

F	United/Centel - Intermedia, SprintMetro
Interconnection	Option A - \$2.137 DS-1 Port Option B - \$.01979/minute, w/105% cap
Unbundling/Resale	\$19.05 - 2-wire voice grade analog loop
Temporary Number Portability	\$ 1.25 res. or bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

G	MCImetro - BellSouth **
Interconnection	\$0.011/minute - Florida Rate
Unbundling/Resale	Not a part of agreement.
Temporary Number Portability	\$ 1.25 res. & \$1.50 bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

** Agreement allows MCImetro to take interconnection or temporary number portability via a Commission ordered tariff or another agreement.

H	BellSouth - Time Warner/Digital Media Partners
Interconnection	\$0.01/minute; however, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance <=\$40,000 Months 13-18 if out of balance <=\$30,000 Months 19-24 if out of balance <=\$20,000
Unbundling/Resale	No Agreement. Bell offered retail rate minus avoided costs but did not identify what the avoided costs were.
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path; No nonrecurring charge

August 6, 1996

I	BellSouth - Intermedia
Interconnection	\$0.01028/minute w/ 105% Cap -Dedicated \$0.01056/minute w/ 105% Cap -Tandem However, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance < \$40,000 Months 13-18 if out of balance < \$30,000 Months 19-24 if out of balance < \$20,000
Unbundling/Resale	<u>Unbundling:</u> \$ 2.00 - Residence Port \$ 4.50 - Business Port \$ 7.50 - PBX Trunk Port \$ 2.00 - Rotary Service \$ 0.0275/1st minute - Usage on Port \$ 0.0125/Add'l minutes - Usage on Port \$ 17.00 - Unbundled Exchange Access Loop \$140.00 - NRC 1st Loop \$ 45.00 - NRC Add'l Loop \$ 28.50 - Unbundled Inter. Office Channel \$ 1.65 - 1-08 Miles \$ 1.60 - 9-25 Miles \$ 1.55 - Over 25 Miles <u>Resale:</u> 18% off Residential Retail Rates 12% off Business Retail Rates
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecruiting charge

J	BellSouth - Payphone Consultants, Inc.
Interconnection	Not a part of the agreement.
Unbundling/Resale	Resale - 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

K	BellSouth - Telephone Company of Central Florida
Interconnection	Not a part of the agreement.
Unbundling/Resale	Resale - 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.
L	BellSouth - Teleport